

\*\*E-Filed 11/6/08\*\*

1 ULRICO S. ROSALES, State Bar No. 139809  
2 KORAY J. BULUT, State Bar No. 230298  
3 STEPHEN TAEUSCH, State Bar No. 247708  
4 WILSON SONSINI GOODRICH & ROSATI  
5 Professional Corporation  
6 650 Page Mill Road  
7 Palo Alto, CA 94304-1050  
8 Telephone: (650) 493-9300  
9 Facsimile: (650) 565-5100  
10 e-mail: urosales@wsgr.com

11 Attorneys for Plaintiff  
12 MAQUET CARDIOVASCULAR, LLC.

13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 MAQUET CARDIOVASCULAR L.L.C.,  
16 Plaintiff,  
17 v.  
18 MEDTRONIC, INC., a Minnesota Corporation,  
19 and DOES 1-20, inclusive,  
20 Defendant.

CASE NO.: C08-04727-JF

STIPULATION AND [PROPOSED]  
ORDER EXTENDING BRIEFING  
SCHEDULE ON PLAINTIFF'S  
MOTION FOR A PRELIMINARY  
INJUNCTION

C:\Documents and Settings\mheverly\Local Settings\Temporary Internet Files\OLK2

STIPULATION AND [PROPOSED] ORDER  
EXTENDING BRIEFING SCHEDULE  
C08-04727-JF

1 WHEREAS, by its Order dated October 24, 2008, the Court denied Plaintiff's Application  
2 for a Temporary Restraining Order but determined that it would treat Plaintiff's request as a  
3 Motion for a Preliminary Injunction;

4 WHEREAS, the Court requested supplemental briefing from the parties with respect to  
5 certain issues raised by the parties in their briefs on Plaintiff's Application for a Temporary  
6 Restraining Order;

7 WHEREAS, the Court directed Plaintiff to provide its supplemental briefing on or before  
8 October 31, 2008, and imposed a deadline of November 5, 2008 for Defendant to file a  
9 supplemental opposition brief;

10 WHEREAS, the Court originally indicated that it would hear the matter on an expedited  
11 basis on November 7, 2008;

12 WHEREAS, Plaintiff and Defendant have entered into discussions which may eliminate  
13 the need for a hearing, but need additional time to complete those discussions;

14 WHEREAS, Plaintiff desires to extend the briefing schedule and postpone the hearing on  
15 the matter, and Defendant does not oppose such an extension;

16 WHEREAS, the Court has advised Plaintiff's counsel that it has re-scheduled the hearing  
17 for December 12, 2008, and instructed the parties to file a stipulation regarding a revised briefing  
18 schedule;

19 THE PARTIES NOW HEREBY STIPULATE that:

- 20 1. Plaintiff shall file and serve its supplemental brief by November 21, 2008;
- 21 2. Defendant shall file and serve its supplemental brief in opposition by December 8,  
22 2008;
- 23 3. No reply brief shall be filed by Plaintiff; and
- 24 4. The hearing date for the Motion is hereby rescheduled to December 12, 2008 at  
25 9:00 a.m.

26  
27  
28 STIPULATION AND [PROPOSED] ORDER  
EXTENDING BRIEFING SCHEDULE  
C08-04727-JF

C:\Documents and Settings\mheverly\Local Settings\Temporary Internet Files\OLK2

1  
2 Dated: November <sup>5</sup>4, 2008

LITTLER MENDELSON P.C.,  
50 West San Fernando Street, 15th Floor  
San Jose, CA 95113-2431  
Telephone: (408) 998-4150

3  
4  
5 By Michelle Heverly  
6 Michelle Heverly  
7 Attorneys for Defendant  
MEDTRONIC, INC.

8 Dated: November <sup>5</sup>4, 2008

9 WILSON SONSINI GOODRICH & ROSATI,  
10 Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94306  
Telephone: (650) 493-9300

11 By Ulrico S. Rosales  
12 Ulrico S. Rosales  
13 Attorneys for Plaintiff  
14 MAQUET CARDIOVASCULAR L.L.C

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: 11/6/08

17 THE HON. JEREMY FOGEL  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 STIPULATION AND [PROPOSED] ORDER  
EXTENDING BRIEFING SCHEDULE  
C08-04727-JF

C:\Documents and Settings\mheverly\Local Settings\Temporary Internet Files\O\_K2